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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

New Caledonia

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter. Information was transmitted by the administering Power on **8 January 2014**. Further details are contained in previous working papers available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: New Caledonia is a Non-Self-Governing Territory under the Charter of the United Nations. It is administered by France.

Representative of administering Power: Jean-Jacques Brot, French High Commissioner (since 27 February 2013).

Geography: Located in the Pacific Ocean, about 1,500 km east of Australia and 1,700 km north of New Zealand. It comprises one large island, known as Grande Terre, and smaller islands known as the Loyalty Islands, the Bélep Archipelago, the Isle of Pines and the Huon Islands. There are also several uninhabited islands to the north of the Loyalty Islands.

Land area: 18,575 km² (the Territory as a whole); 16,750 km² (Grande Terre).

Exclusive economic zone: 1,422,543 km².[a]

Population: 260,000 (January 2013).

Ethnic composition: 40.3 per cent Melanesians, mainly Kanaks; 29.2 per cent persons of European origin, mainly French; 8.7 per cent Wallisians and Futunians; 2 per cent Tahitians; 1.6 per cent Indonesians; 1 per cent Vietnamese; 0.9 per cent Vanuatuans; and 16.2 per cent populations classified by the French National Institute of Statistics and Economic Studies as "others".

Languages: The official language is French. About 27 Kanak vernacular languages are spoken in geographically distinct regions.

Capital: Nouméa, located in the south of Grande Terre.

Head of territorial Government: Harold Martin (since June 2011).

Main political parties: The anti-independence parties are Rassemblement-Union pour un mouvement populaire (Rassemblement-UMP); Calédonie ensemble; L'avenir ensemble; and Rassemblement pour la Calédonie. The pro-independence parties are Front de libération nationale kanak et socialiste (FLNKS); Parti travailliste; Union Calédonienne; and Parti de libération kanak (Palika).

Elections: The most recent senatorial elections were held in 2012. The next municipal and provincial elections will take place on 23 and 30 March and 11 May 2014.

Legislature: Congress of New Caledonia.

Gross domestic product (GDP) per capita: $37,124.

Unemployment rate: 14 per cent (total unemployed as a percentage of the workforce in 2011).

Economy: Mining industry (notably nickel), construction and tourism.

Monetary unit: CFP franc.

Brief history: In 1774, the British captain James Cook discovered Grande Terre and named it "New Caledonia". France annexed New Caledonia on 24 September 1853. In 1942, the United States of America chose New

Caledonia for its military base in the Pacific. Some 20,000 New Zealand soldiers were stationed in New Caledonia during the Second World War. In 1946, France made New Caledonia an overseas Territory with limited autonomy. In the 1970s, supporters of independence were highly active, leading to violence during the 1980s known as the "événements" (events). In 1988, the Matignon Accords led to the establishment of three provinces with the aim of restoring the balance of power. Some 10 years later, in 1998, the Nouméa Accord planned for the progressive autonomy of the Territory. A referendum will be conducted between 2014 and 2018 to decide whether New Caledonia should assume full sovereignty and independence.

"*Source*: Exclusive economic zone data from the "Sea Around Us" project, a collaboration between the University of British Columbia and the Pew Environment Group (see www.seaaroundus.org).

I. Constitutional, political and legal issues

1. New Caledonia is a sui generis community within the French Republic, governed under part XIII of the Constitution ("Transitional provisions pertaining to New Caledonia"). The French Minister for Overseas Territories, Victorin Lurel, exercises the State's authority in New Caledonia, in accordance with the Territory's status and organization. The administering Power is represented in the Territory by a High Commissioner. This position is currently held by Jean-Jacques Brot. Under the Organic Law of 19 March 1999 concerning New Caledonia, France has powers over areas prescribed by law, including external relations, immigration and aliens, currency, the Treasury, trade, defence, justice, the civil service and maintenance of law and order. In the area of defence, the High Commissioner performs functions prescribed by the relevant legislation. The High Commissioner may declare a state of emergency as provided for under the relevant legislation; he or she shall refer the matter to the Minister for Overseas Territories after informing the Government of New Caledonia. Under the territorial structure, the Office of the High Commissioner in the Territory is the seat of the defence sector of New Caledonia. Some 3,000 French military personnel, including members of the gendarmerie, are stationed in the Territory.

2. The Territory's legal system is based on the French model, augmented by mandatory consultation with the consultative customary council. Magistrates preside over the decentralized lower courts. The Court of Appeal is located in Nouméa, and there is access to the Court of Cassation in France in certain matters.

3. The Kanak independence movement was launched in the 1970s in response to the process of decolonization in Africa and increasing French migratory flows. In 1984, the Front de libération nationale kanak et socialiste (FLNKS) was founded as an umbrella organization for the pro-independence parties, and later that year it established a provisional independent Government. Between 1984 and 1988, about 80 people died in violent confrontations between pro- and anti-independence elements. The violence was eventually halted with the conclusion of the Matignon Accords on 26 June 1988 between FLNKS, the loyalist Rassemblement pour la Calédonie dans la République (RPCR) and the Government of France.

4. The Matignon Accords provided for greater local autonomy and substantial aid designed to redress deep inequalities between the French and Kanak communities, while committing the Territory to a self-determination referendum 10 years later. In 1998, the three Matignon Accords partners agreed on a new statute defining the Territory's institutions and its relations with France. The agreement, termed the "Nouméa Accord", steered a middle course between the respective political aspirations of RPCR and FLNKS and avoided the need for a divisive referendum on independence. It was signed on 5 May 1998 and approved by 72 per cent of New Caledonians in a referendum held on 8 November 1998. The Accord was subsequently ratified by the National Assembly and the Senate of France. New Caledonia is now defined as "a French overseas sui generis community" within the French Constitution and has enhanced autonomy.

5. Section 1.5 of the Nouméa Accord provides that: "The identifying signs of the country, such as its name, flag, anthem, motto and banknote designs, shall be jointly devised in order to express both the Kanak identity and the future to be shared by all". On 18 August 2010, the Congress of New Caledonia approved three out of five

identifying signs around which New Caledonia could unite — an anthem, a motto and banknote designs — but failed to agree on a name and a flag. On 13 July 2010, the Congress of New Caledonia expressed the wish that the Kanak flag and the French flag should fly together in New Caledonia. This wish has no binding legal force; each local authority remains free to apply it or not. On 17 July 2010, the Prime Minister, François Fillon, on an official visit to the islands, raised the Kanak flag and the French flag together for the first time at the headquarters of the High Commissioner of the Republic, in the presence of local authorities. The new banknotes bearing the designs expressing the Kanak identity were issued on 20 January 2014.

6. The Nouméa Accord commits France to transferring responsibility for certain areas of government, except sovereign powers, to the Government of New Caledonia between 1998 and 2018. At some point between 2014 and 2018, a referendum is to be held on the basic issues: the transfer of sovereign powers; access to an international status of full responsibility; and the organization of citizenship by nationality. The exact date of the referendum will be determined by three fifths of the members of the territorial Congress. Should the outcome of the first referendum be negative, one third of the members of the Congress may call for the holding of two more referendums. If the response from all of them is negative, the parties to the Accord will meet to consider the situation thus created. The full text of the Nouméa Accord is contained in the 1998 working paper (A/AC.109/2114, annex).

7. New Caledonia has a 54-member Congress, comprising the combined elected membership of the three provincial assemblies (15 from the North Province, 32 from the South Province and 7 from the Loyalty Islands Province).

8. The Government of New Caledonia represents the executive power of New Caledonia and is headed by a president, who is elected by Congress and answerable to it. The Nouméa Accord stipulates that the Government, as a collegial body, must proportionally reflect party representation in the Congress. The President is elected by a majority vote of all members of Government.

9. In accordance with the Nouméa Accord, a parallel set of institutions was established to accommodate full political recognition of the Kanak identity. There are eight customary councils representing eight customary regions. In addition, a Territory-wide customary senate with a rotating presidency comprises 16 members, 2 selected by each customary council. The customary senate and councils are to be consulted by the executive and legislative bodies of New Caledonia on matters related directly to the Kanak identity. These bodies have no budget, however.

10. Political parties in New Caledonia are divided between those favouring New Caledonia's remaining part of France and those favouring independence, with a number of nuances within each position. The 2009 election resulted in a Congress of 31 members of anti-independence parties, 23 members of pro-independence parties and one independent. The anti-independence parties currently represented in Congress are Rassemblement-Union pour un mouvement populaire (Rassemblement-UMP), with 13 seats; Calédonie ensemble, with 10 seats; L'avenir ensemble, with 6 seats; and Rassemblement pour la Calédonie, with 2 seats. The pro-independence parties of the legislature comprise Union nationale pour l'indépendance (including Parti de libération kanak), with 6 seats; FLNKS/Union calédonienne, with 12 seats; Parti travailliste, with 4 seats; and Libération kanak et socialiste, with 1 seat. Roch

Wamytan (FLNKS) was elected President of the Congress on 8 August 2013, succeeding Gérard Poadja (Calédonie ensemble).

11. The twelfth Government, drawn from the new Congress on a proportional basis, has 11 members, comprising 7 members of anti-independence parties (Calédonie ensemble, Rassemblement-UMP-Avenir ensemble) and 4 pro-independence members of Union calédonienne, Parti de libération kanak, Parti travailliste and Uni-Palika. Harold Martin (L'avenir ensemble) was elected President and Gilbert Tyuienon (FLNKS-Union calédonienne) was elected Vice-President.

12. New Caledonians also vote in the French presidential elections and elect two members of the French Senate and two members of the French National Assembly. The 2012 legislative elections weakened Rassemblement-UMP, the historical anti-independence party, which lost its two National Assembly seats to Calédonie ensemble, causing a split among the anti-independence parties and within Rassemblement-UMP itself.

13. In his political statement at the beginning of the 2012 meeting of the Committee of Signatories, which was distributed to the members of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on 13 February 2013, Mr. Roch Wamytan, First Vice-President of the Congress of New Caledonia and a signatory of the Nouméa Accord, stated that the question of the right to vote in provincial elections and the final referendum should not be subject to any ambiguity. Hundreds of Kanak voters were on the supplementary roll, while attempts were being made to include non-citizens on the special electoral roll. A partial reform was absolutely necessary, mandatory and urgent with regard to the electoral roll for the provincial elections, as well as for the establishment of the electoral roll relating to the final referendum. Further details are provided in the previous working paper (A/AC.109/2013/16).

14. At the Caribbean regional seminar on decolonization, held in Quito from 28 to 30 May 2013, the President of the Congress of New Caledonia presented a paper on decolonization and the right to vote, detailing the problems encountered in the compilation and review of electoral rolls constituting the special electorates for the provincial elections and the referendum on self-determination. These challenges include questions of procedure and the interpretation of legal documents in the administrative committees engaged in the review of the special electoral roll. The committees have received neither the training needed nor the necessary tools, such as the 1998 supplementary roll. Moreover, no training or information campaigns have been carried out for the Kanak people. The paper also addressed the policy of France, the Pacific nature of New Caledonia and recommendations on the role of the United Nations in ensuring respect for the right to self-determination and independence of colonial peoples. The paper is available at www.un.org/en/decolonization/regsem2013.shtml (in English only).

II. Budget

15. According to the administering Power, the overall 2014 budget for New Caledonia is 11 per cent higher than the 2013 budget, reaching 178 billion CFP francs, including 68.1 billion for the central administration of the Territory. The budget was drafted against the backdrop of a difficult economic situation, marked

by the crisis in the nickel industry and the conclusion of major engineering projects (industrial, public works, private homes). The territorial Government is thus facing the need both to ensure its own financial stability, following a drop in tax revenues, and to participate more actively in economic recovery.

16. Thus, through frugal management of general recurrent expenses (–1.5 per cent) and transfers (–5 per cent), New Caledonia is increasing its investment by 18 per cent compared to 2013, focusing on four broad areas: school renovations, investments in roads, updates to the aviation infrastructure and construction of the Medipole Hospital. Other sectors, however, have not been overlooked, as shown by the priority actions taken to address the high cost of living, sustainable development, the digital economy, continuing professional education and culture.

17. The secondary budget for transfers (earmarked fiscal revenues) has been set at 50,023,992,160 CFP francs. This represents an increase of 4 per cent over the 2013 level.

III. Economic conditions

A. General

18. New Caledonia has one of the largest economies of the Pacific islands, with a gross domestic product (GDP) per capita estimated at $38,690 in 2011, higher than that of New Zealand, according to the United Nations Statistics Division. This is largely owing to the preponderance of nickel mining and processing in the island's economy. Nickel production accounts for approximately 95 per cent of total export earnings. There are significant geographic disparities in income distribution, however, as the South Province accounts for 85 per cent of household income, the North Province for 11.1 per cent and the Loyalty Islands Province for only 3.9 per cent. The economy is also highly dependent on payments from the French Government. Approximately 80 per cent of those payments are spent on health, education and civil service salaries, with most of the remainder allocated for development schemes, mainly in the North and Loyalty Islands provinces. The Territory runs a significant trade deficit caused by the increased value of imports.

B. Mineral resources

19. New Caledonia has about one quarter of the world's known nickel reserves. Cobalt is also mined commercially, and deposits of iron, copper and gold have been found. New Caledonia is the only South Pacific economy that is predominantly based on mining. According to the administering Power, nickel extraction is carried out by so-called "small-scale miners", who may or may not be owners of mining claims in an industry based on four major entities: Le Nickel, Nickel Mining Company, Vale Nouvelle-Calédonie and Koniambo Nickel. During the first half of 2013, mining output was almost 5 million tons of raw minerals (an increase of 23 per cent over the same period in 2012). Approximately 34,000 tons of nickel were extracted. The mining sector employs some 3,700 persons (as of the second quarter of 2013). Sophisticated industries and services support the mining sector, thereby providing some employment opportunities.

C. Construction and manufacturing

20. The construction sector, which accounts for roughly 12 per cent of GDP, employs about 9 per cent of the salaried population. Construction projects in the mining industry continue to provide a platform for growth. There is still a need for approximately 1,000 new homes per year throughout the Territory.

21. The manufacturing sector, which is largely focused on the processing of foodstuffs, textiles and plastics, accounts for approximately 13 per cent of GDP.

D. Agriculture and fisheries

22. Officially, agriculture employs 2 per cent of the population and represents 1.5 per cent of GDP, although it forms the basis of much of the indigenous population's subsistence economy. The raising of beef cattle on the west coast (mostly by farmers of European descent), pig farming and the export of venison to Europe are the most important cash-producing agricultural activities. Tuna fishing and shrimp farming also contribute to export earnings. Agricultural production in most areas is heavily subsidized and prices are controlled. Agricultural output is hampered by labour diversion to the more lucrative mining industry and climate factors. As a result, there is a heavy reliance on imports to meet demand.

E. Transport and communications

23. The Territory has a good road system in and around Nouméa. The road infrastructure in the rest of the Territory is more basic, but continues to improve. New Caledonia has about 5,000 km of roads, of which about half are surfaced. Overseas shipping is predominantly through Nouméa. There are passenger and cargo services and a harbour for yachts and other leisure watercraft. The Territory relies heavily on air transport for both international and internal movement of passengers and freight. Frequent international flights link Nouméa's airport, La Tontouta, with neighbouring countries and with Japan, the United States of America and Europe. There are regular services from the domestic airport, Magenta, to the outer islands and major towns on the main island. The second phase of the airport renovations (at a cost of 80 million euros) was completed in the first quarter of 2013.

24. Postal services and telecommunications are run by the State company Office des Postes et Télécommunications. A submarine cable network connection between the Territory and Australia, brought into service in 2008, has significantly increased the Territory's network capacity. Internet facilities and usage have grown rapidly in recent years but, as in other areas, statistics are lacking. Mobile telephone subscriptions are on the rise, but coverage continues to stand at less than 50 per cent of the Territory, and is largely concentrated in the coastal areas.

F. Tourism and environment

25. Tourism accounts for approximately 3 per cent of GDP. According to the French National Institute of Statistics and Economic Studies, approximately 10,000 tourists travelled to New Caledonia in November 2013, which represented a

decrease of 7.4 per cent from November 2012 and of 7.6 per cent from November 2011. Tourists from all parts of the world arrived in fewer numbers, except those from Europe (+15.6 per cent) and New Zealand (+0.2 per cent). Cumulatively, since January 2013, the volume of tourists has decreased by 3.8 per cent compared to 2012 and 3.4 per cent compared to 2011. The reduction in tourism from Australia (–11.9 per cent) and Japan (–11.4 per cent) is no longer being adequately offset by the increase in tourism from France (+1.9 per cent).

26. New Caledonia has tremendous biodiversity and possesses the second largest coral reef in the world after Australia. Its lagoon has been declared a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage site. A report released by Conservation International in February 2011 expressed concern over the negative impact of nickel mining and deforestation on the unique flora and fauna of New Caledonia. The Territory is ranked second among the world's 10 most threatened forest hotspots. Only 5 per cent of the original forest cover remains intact.

27. Deforestation also threatens many endemic species, including various plants and birds. For example, the kagu (*Rhynochetos jubatus*) is the only surviving member of the bird family Rhynochetidae, and probably the most well known of the Territory's native birds. New Caledonia is also home to one of the world's largest geckos, the New Caledonian giant gecko (*Rhacodactylus leachianus*).

IV. Social conditions

A. General

28. United Nations Development Programme data for New Caledonia show that the Territory has a high human development index. The adult literacy rate is over 96 per cent and school enrolment (all levels) is about 89 per cent. Nevertheless, according to the French National Institute of Statistics and Economic Studies, the Territory suffers from several types of inequality and imbalances, including in the social and economic spheres. Approximately 71 per cent of the population is concentrated in the South Province. Including the suburbs of Nouméa, the Greater Nouméa metropolitan area is home to 63 per cent of the population. The population density in the South Province is 23.4 inhabitants per km^2 (999.7 inhabitants per km^2 in Nouméa), compared to only 4.6 inhabitants per km^2 in the North Province and 11.1 inhabitants per km^2 in the Loyalty Islands Province.

29. It is also estimated that 66 per cent of the population aged 14 years and over living in the North and Loyalty Islands provinces has no professional qualifications, compared to 35 per cent in the South Province. With regard to economic imbalances, as described in paragraph 18 above, household income varies significantly by province. The Gini coefficient, which measures income inequality, is 0.5.

30. Following demonstrations against the high cost of living in May 2011, a special committee was established in the Congress to draft economic and social agreements and to monitor their implementation. The committee's discussions led to the signature of economic and social agreements on 12 June 2012 by the members of Congress and a federation of labour unions formed to protest the high cost of

living, in the presence of the French High Commissioner. Dissatisfied with the progress made in the implementation of the agreements, the federation called another general strike from 15 May 2013. The strike ended with the signature of a protocol on 27 May, after three days of negotiations. The implementation of the protocol is monitored by a committee which meets regularly under the auspices of the High Commissioner. In parallel, the High Commissioner entered into negotiations with the banks with a view to reducing bank fees. An agreement on this matter was concluded on 23 December 2013.

B. Employment

31. Regional disparities are also clearly evident in the labour market, with the number of unemployed particularly high in the North Province. Since the Koniambo Nickel SAS plant in the North Province gradually began operations in 2012, it has generated some 8,000 new jobs, directly and indirectly, many of them for the local population. The Government of New Caledonia has indicated that it has no statistics confirming high levels of unemployment among Kanaks. Local law (*loi du pays*) No. 2012-9 of 27 July 2010 on the protection and promotion of and support for local employment came into force with the appointment of the members of the Joint Local Employment Board at the beginning of February 2012. The law stipulates that, as a rule, New Caledonian citizens shall be hired. If no citizen is as well qualified as other applicants, the employer must recruit a candidate who can demonstrate a sufficient length of residency.

32. Kanak representatives continue to express concern over the influx of immigrant labour to New Caledonia. The Government of New Caledonia has acknowledged this fact, while specifying that the immigration included highly qualified labour, as well as technicians and managers not available in the domestic labour force. Furthermore, the duration of stay was limited to 18 months for the first category and to four years for the second category. According to the Government of New Caledonia, three quarters of the guest labour force of the nickel plant in the South Province has already left the Territory. The Government plans to provide vocational training for New Caledonians with the aim of allowing them to occupy 95 per cent of jobs created in the metallurgical industry in the future.

C. Education

33. The Organic Law of 19 March 1999 transferred control of public primary education to the New Caledonian authorities, giving them the right to adapt the curriculum to local cultural and linguistic backgrounds, including instruction in the Kanak languages. Five agreements were signed in October 2011 between the administering Power and the Government of New Caledonia to organize the transfer of secondary education to the Territory, with the transfer officially taking place on 1 January 2012.

34. Several research institutes, based mainly in Nouméa, are concentrating on studies on biodiversity, environment, biology and geology, nickel, oceanography, history, anthropology, sociology and linguistics of the Kanak languages.

D. Health care

35. In 2010, life expectancy at birth was 74.4 years for males and 80.7 years for females. According to the World Health Organization country health information profile, New Caledonia has a well-functioning mother and child health programme. Communicable diseases remain a public health problem and sexually transmitted infections are highly prevalent. Non-communicable diseases constitute a major burden, with cardiovascular diseases, diabetes mellitus and cancers the most common.

36. At the territorial level, there are three public hospitals (492 beds), three private clinics (178 beds) and four specialized hospitals (184 beds) in Nouméa. According to the administering Power, construction began in 2011 on a new hospital close to Nouméa, following approval by the Congress of New Caledonia of a $530-million project expected to take four years. At the provincial level, integrated public health-care services are provided through seven medical social centres with 42 hospital beds, 19 medical centres, 14 infirmaries, 55 consultation facilities and 22 dental care stations.

V. Relations with international organizations and partners

37. The Organic Law of 19 March 1999 governs the legal framework within which New Caledonia may establish external relations. New Caledonia has been an associate member of the Economic and Social Commission for Asia and the Pacific since 1992. In 2006, it became an associate member of the Pacific Islands Forum, having been an observer since 1999. To give impetus to the Nouméa Accord, New Caledonia intends to become a full member. In the communiqué of the 2010 meeting of the Pacific Islands Forum, the Forum leaders agreed to address the matter following a gradual process coordinated with the secretariat of the Forum. In the communiqué of the forty-fourth meeting, held in 2013, they endorsed the recommendations made following the visit by a ministerial committee of the Forum to New Caledonia in July that year. The ways and means through which New Caledonia can become a member are being identified.

38. The second Melanesian Spearhead Group high-level ministerial mission was conducted from 13 to 18 August 2012 as part of the annual monitoring and assessment of the Nouméa Accord. The mission met with government authorities in New Caledonia, including the French High Commissioner, the Government and Congress of New Caledonia, and other institutions such as the customary senate, the economic and social council of New Caledonia, customary chiefs and the provincial assemblies of the Loyalty Islands Province, North Province and South Province. The mission noted that five powers were to be transferred under the Nouméa Accord and that there was a need for greater awareness of the process leading up to the 2014-2018 referendum, as well as clear guidelines for that process. The mission also noted that the role of the Special Committee on decolonization was not fully understood in the Territory. In 2013, FLNKS formally took over as Chair of the Melanesian Spearhead Group at a ceremony held in Nouméa.

39. A FLNKS unit was officially opened at the headquarters of the Melanesian Spearhead Group secretariat in Port Vila, Vanuatu, in February 2013. The unit will provide strategic advice on political developments in New Caledonia, oversee

implementation of the Nouméa Accord, maintain contact with the FLNKS political bureau on Melanesian Spearhead Group issues, coordinate and manage meetings of Melanesian Spearhead Group bodies on matters relating to FLNKS and manage the high-level technical and ministerial missions conducted in New Caledonia, among other tasks.

40. Furthermore, New Caledonia is a member of the Pacific Community, the Pacific's oldest regional organization, whose secretariat is headquartered in Nouméa. Among other Pacific regional arrangements in which New Caledonia is involved are the South Pacific Regional Environment Programme, the Pacific Islands Development Forum, the Pacific Islands Association of Non-Governmental Organisations, the South Pacific Tourism Organization and the Pacific Power Association. The twenty-third Conference of the parties to the South Pacific Regional Environment Programme was held in Nouméa in 2012 under the chairmanship of New Caledonia. In 2013, New Caledonia hosted the second Pacific Youth and Sports Conference and the third Meeting of the Pacific Ministers of Youth and Sport.

41. New Caledonia has continued to strengthen its ties with the European Union, with which it holds the status of associated territory as conferred by the Treaty of Rome. It receives development aid from the European Union in the framework of the tenth European Development Fund for the Overseas Countries and Territories. Four major developments in relations between New Caledonia and the European Union occurred in 2013:

(a) A new decision on the association of the overseas countries and territories with the European Union, based on the three new priority objectives of promoting cooperation, reducing vulnerability and enhancing competitiveness, was formally adopted by the Council of the European Union on 25 November 2013 and entered into force on 1 January 2014. The views expressed by New Caledonia to the French authorities and passed on by those authorities during the Council's negotiations were largely reflected in the final text adopted by the Council. The decision marks the start of a new phase of even stronger relations between New Caledonia and the European Union;

(b) A significant increase was obtained in the financial envelopes for overseas countries and territories under the eleventh European Development Fund, which covers the period from 2014 to 2020;

(c) The outcome of the negotiations was also positive with regard to the horizontal programmes, because the eligibility of the overseas countries and territories for the set of programmes comprising the Programme for the Environment and Climate Action (LIFE), the European Union Framework Programme for Research and Innovation (Horizon 2020) and the European Union programme for education (Erasmus) was confirmed. These programmes are important for the overseas countries and territories. They supplement the small envelopes of the European Development Fund, which are insufficient for the implementation of projects in a wide range of areas;

(d) Lastly, another positive development in 2013 was the maintenance of the European Union office in Nouméa.

At the twelfth Overseas Countries and Territories-European Union Forum, held in Brussels on 5 and 6 December 2013, the President of the Government of New

Caledonia expressed his satisfaction with the overall progress made in 2013: the modernization of the relationship between the European Union and the overseas countries and territories through the new overseas association decision; the eligibility of the overseas countries and territories for European Union horizontal programmes; and the maintenance of the European Union office in Nouméa.

42. In January 2012, the French Minister for Cooperation, the French Minister for Overseas Territories and the President of the Government of New Caledonia signed a convention related to the hosting of New Caledonian delegates in the French diplomatic and consular missions in the Pacific. This convention is part of the implementation of the Nouméa Accord and the Organic Law of 19 March 1999 regarding the possibility of New Caledonia's having representation in countries of the Pacific region. The first delegate for New Caledonia, accommodated within the French Embassy in New Zealand as from the end of 2012, was appointed on 27 April 2012.

VI. Position of the administering Power

43. The eleventh meeting of the Committee of Signatories was held in Paris on 11 October 2013 under the chairmanship of Jean-Marc Ayrault, Prime Minister, in the presence of Victorin Lurel, Minister for Overseas Territories. (The full statement of conclusions is included as an annex to this report.) This Committee brings together the historical signatories of the Nouméa Accord, the delegations of pro-independence and anti-independence partners, and major local institutional leaders to take stock of the actions taken and to set the course for the future. Negotiated following the 1988 Matignon Accords and signed on 5 May 1998 in Nouméa, the Nouméa Accord provides for the transfer of certain powers from the State to New Caledonia in many areas, with the exception of defence, security, justice and currency. It has opened a genuine process of decolonization, the culmination of which will be the referendum on self-determination for New Caledonia to be held between 2014 and 2018, through which the future institutional status of this Territory will be determined.

44. The eleventh meeting of the Committee of Signatories gave the Prime Minister an opportunity to reiterate that the State would remain fully engaged with its New Caledonian partners and would support New Caledonia's progress towards the destiny it would choose in accordance with the Nouméa Accord. All topics were discussed in a constructive spirit. In particular, the mission responsible for considering the institutional future of New Caledonia introduced a discussion paper based on its work over the last three years. It presented four possible institutional options to give effect to the Nouméa Accord. The discussion paper, with the full agreement of all partners, was widely disseminated. On the issue of the transfer of powers, the State confirmed its involvement, whether in funding the construction of two secondary schools in Mont-Dore and Pouembout or in supporting New Caledonia in the lead-up to its assumption of responsibility for civil defence as from 1 January 2014. Lastly, the Government presented concrete proposals to the Committee to strengthen the training of New Caledonian officials. All the Nouméa Accord partners agreed to meet in the second half of 2014, after the elections.

VII. Consideration of the question by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

45. At its 9th meeting, held on 21 June 2013, the Special Committee on decolonization adopted a draft resolution introduced by the representative of Papua New Guinea on behalf of his country and Fiji (A/AC.109/2013/L.12).

B. Special Political and Decolonization Committee (Fourth Committee)

46. At the 7th meeting of the Fourth Committee, held on 11 October 2013, the Permanent Representative of Papua New Guinea, speaking also on behalf of the Melanesian Spearhead Group, welcomed and encouraged the ongoing cooperative efforts on New Caledonia's self-determination process under the Nouméa Accord and the relevant General Assembly resolutions. He drew the Committee's attention to the fact that New Caledonia was now in the most critical phase of its self-determination process, which would involve holding a referendum (or several referendums, if necessary) on self-determination between 2014 and 2018.

47. He also echoed the serious concerns expressed by the President of the Congress of New Caledonia and the representative of FLNKS in their statements to the Fourth Committee on several key issues regarding the process of implementing the Nouméa Accord. While recognizing that much progress had been made with France's support, he said that there had been slippages and mixed messages from the administering Power, including on the transfer of secondary education responsibilities; land surveying and registration; and economic rebalancing in the Territory, which continued to pose a challenge, as the time frame set out in the Nouméa Accord had not been respected. The information provided by the petitioners from New Caledonia corroborated the findings of the 2011 report of the United Nations Special Rapporteur on the rights of indigenous peoples, which noted that the Kanak people were experiencing poor levels of educational attainment, employment, health, over-representation in Government-subsidized housing, and urban poverty. The failure to collect and publish ethnically disaggregated data, and the policy of formal equality underlying that failure, masked ongoing discrimination.

48. He also noted the concerns surrounding immigration and the different interpretations of a restricted electorate for local elections and their potential impact on the outcome of the referendum on self-determination, a situation compounded by the lack of ethnically disaggregated data. In addition, concerns had been expressed with regard to the transparency and procedures of the committees reviewing the electoral roll. A partial analysis of the electoral roll in the Greater Nouméa area had shown that some 1,900 Kanaks had been excluded from the special electoral roll, while a further 3,000 persons who were deemed by FLNKS to be ineligible to vote in local elections had been included on that roll. That situation would have an impact on the process outlined in the Nouméa Accord, potentially affecting the final political status of the Territory.

49. The Permanent Representative emphasized that a credible, fair and transparent electoral roll for the May 2014 election and the self-determination referendum in New Caledonia was imperative. A credible, fair and transparent system of reviewing the electoral rolls should be a priority for the administering Power, which was itself a signatory to the Nouméa Accord and thus had an interest in ensuring that it yielded results accepted by all sides. In that regard, he called upon the administering Power, the United Nations and the international community to address those serious concerns without delay in order to avert a travesty of justice.

50. He also welcomed the updated information which France had provided to the Secretariat on 11 January 2013 and encouraged further regular updates, especially of disaggregated social, economic and political data, in accordance with Article 73 *e* of the Charter of the United Nations. He reiterated the call for ongoing training of the Kanak people in technical and management areas, capacity-building and the transfer of powers, with equal emphasis on development across all sectors and parts of the Territory.

51. He welcomed the call by the delegation of New Caledonia for a United Nations visiting mission before the provincial elections in May 2014, and urged France, as the administering Power, and the Special Committee on decolonization to consider that request favourably. Given the phase that New Caledonia was about to enter, the active engagement of the United Nations would be a useful signal that the international community was participating to ensure a credible process. He called on France to consider accepting international observer missions, including from the Melanesian Spearhead Group, for the May 2014 local elections in New Caledonia and the referendum on self-determination when it took place.

52. The Permanent Representative of Solomon Islands, for his part, stressed that on the question of New Caledonia, the administering Power and the Non-Self-Governing Territory were cooperating on the preparatory process for the referendum to be held between 2014 and 2018 as agreed under the Nouméa Accord. He also echoed the issues raised by the petitioners from New Caledonia relating to immigration, the voter registration process and the legislation needed in keeping with the spirit of the Accord. He trusted that those issues would be addressed in good time and within the framework of the Accord. He also stressed the importance of timely preparation for a credible referendum in accordance with the universally accepted principles and practices defined in resolution 1514 (XV) and other relevant General Assembly resolutions. In support of the request made by the representative of Papua New Guinea on behalf of the Melanesian Spearhead Group, he asked for a United Nations mission to visit New Caledonia in 2014.

53. At the 8th meeting of the Fourth Committee, held on 14 October 2013, the Permanent Representative of Palau voiced his support for the desires and aspirations of the people of New Caledonia, as expressed by the President of the Congress of New Caledonia, for a successful election through a process that was free, transparent and credible at each and every step. He urged all those responsible, whether in France or New Caledonia, for each upcoming vote on self-determination to ensure that the processes were free, fair, credible and transparent.

54. At the 5th meeting of the Fourth Committee, held on 9 October 2013, the President of the Congress of New Caledonia and signatory of the Nouméa Accord, Roch Wamytan, said that New Caledonia had recently commemorated the 160th anniversary of France's taking possession of the Kanak country. The strategies

initiated by France in some of its areas of jurisdiction and the alternatives proposed for the outcome of the Nouméa Accord after 2014, which had been confirmed by the conclusions of the symposium on the twenty-fifth anniversary of the Matignon Accords, held in Paris on 8 and 9 October 2013, were considered unacceptable. Those strategies were best conveyed by the term "Françafrique", which denoted partnerships in which sovereign powers remained with the former colonial Power. He highlighted the issues surrounding the establishment of the electoral rolls to be used in the upcoming elections in 2014, which would pave the way for an initial referendum as early as 2014, if three fifths of the Congress chosen in those elections so decided. He condemned the fact that more than 3,000 people born outside New Caledonia had been deemed eligible to vote in the 2014 elections, even though they did not meet the established criteria. At the same time, more than 1,900 Kanaks who met the criteria had been excluded from voting and were on the supplementary roll of persons not allowed to vote in those elections. In his view, the existence of such discrepancies would call into question the fairness of the results of the May 2014 election and the referendum. He therefore called for the electoral rolls to be established in an open, transparent and fair manner in order to avoid the risk of voter fraud, and said that the United Nations, in its role as guarantor of the right of peoples to self-determination, should send a visiting mission to New Caledonia, as well as an electoral observation mission. He also supported the request of Vanuatu to host the Pacific regional seminar in 2014.

55. The representative of FLNKS, Mickael Forrest, drew the Committee's attention to the fact that key provisions of the Nouméa Accord had not been implemented, especially with regard to the transfer of powers, where progress was uneven. He highlighted the recurrent delays noted in the implementation of the Accord, particularly with regard to local government structures, higher education and broadcasting, which created a climate of political tension. He also referred to the issues related to the establishment of the electoral roll for the May 2014 elections, the outcome of which would allow a referendum to be held on self-determination. In addition, he pointed out that the failure to implement the provisions of the Accord concerning control over the nickel sector was hindering the growth prospects of the Territory's natural resource-based economy.

C. Action taken by the General Assembly

56. On 17 December 2013, the General Assembly adopted, without a vote, resolution 68/92, based on the report of the Special Committee transmitted to the Assembly (A/68/23) and its subsequent consideration by the Fourth Committee.

Annex

Eleventh meeting of the Committee of Signatories of the Nouméa Accord

Friday, 11 October 2013
Hôtel de Matignon, Paris

Conclusions

The eleventh meeting of the Committee of Signatories of the Nouméa Accord, established by section 6.5 of the Accord, was held on Friday, 11 October 2013, under the chairmanship of Jean-Marc Ayrault, Prime Minister, in the presence of Victorin Lurel, Minister for Overseas Territories.

The following delegates participated in the meeting in their capacity as signatories: Paul Néaoutyine accompanied by André Némia, Roch Wamytan accompanied by Aloissio Sako, Victor Tutugoro accompanied by Odette Moindou-Pascal, Pierre Frogier accompanied by Eric Gay, Simon Loueckhote accompanied by Pascale Doniguian, Bernard Deladrière accompanied by Thierry Santa, and Harold Martin accompanied by Aiesio Saliga.

The following members of parliament and representatives of New Caledonian institutions also participated: Sonia Lagarde, deputy, first constituency; Philippe Gomes, deputy, second constituency; Hilarion Vendégou, senator; Maurice Ponga, member of the European Parliament; Cynthia Ligeard, President of the South Province; Néko Hnepeune, President of the Loyalty Islands Province; Gilbert Tyuienon, Vice-President of the Government; and Paul Vakié, President of the customary senate.

Participation in the eleventh meeting of the Committee was extended to include the political groups represented in the Congress of New Caledonia. Pierre Bretegnier, Virginie Ruffenach, Georges Naturel, Caroline Machoro-Reignier, Alexandre Amosala, Gérard Reignier, Jean-Pierre Djaïwé, Adolphe Digoué, Philippe Michel and Gérard Poadja attended the meeting in that capacity.

Also present were Marc Vizy, adviser to the President of the Republic; Jean-Jacques Brot, French High Commissioner in New Caledonia; and Thomas Degos, Director General for Overseas Territories.

The meeting was opened by the Prime Minister. An introductory overview of all items on the agenda, given by the High Commissioner or Director General for Overseas Territories, was followed by the discussion and conclusions set forth in this statement of conclusions.

I. Transfer of powers

1. The Government recalled that several powers had been transferred since the last meeting of the Committee of Signatories: maritime security and domestic air traffic on 1 January 2013, and civil and commercial law on 1 July 2013. With regard to civil and commercial law, preparations in conjunction with New Caledonian services had begun for the transfer of management of the trade and business register, civil registry, and trusteeship and guardianship registry. The Ministry of Justice had begun to develop procedures for resolving conflicts of laws, which, in accordance

with the opinion issued by the State Council on 23 May 2013, fall within the scope of organic law. That work should be completed by the end of the first half of 2014.

The Committee noted that, pursuant to article 21 of the Organic Law, the transfer of authority in matters of civil defence would take place on 1 January 2014. That would involve the full transfer of the Civil Defence Directorate of the French High Commissioner, in accordance with the option chosen at the steering committee meeting of 15 July 2013. The State would help finance the establishment of an operations centre and the training of civil defence personnel. The New Caledonian delegations reiterated their wish to have the State participate in the refurbishment and fitting out of relief centres.

The Rural Development and Land Management Agency remained to be transferred, pursuant to article 23, on the basis of a congressional decision.

2. The participants conducted an initial review of the work of the interministerial standing committee responsible for providing support for the transfer of powers under way or completed. Headed by a chief of unit working directly with the Director General for Overseas Territories, the standing committee, which comprised a representative appointed by each ministry, had met at least once every three months.

For example, with regard to insurance law, the standing committee had developed a means of prioritizing those aspects of insurance law that required updating, as well as Territory-specific monitoring tools.

With regard to the transfer of powers provided for by article 27, the competent authorities had, within the framework of the support structure, begun to review the status and scope of the three areas in question so that the Congress would have all the necessary elements at its disposal when called on to issue a decision in accordance with the Organic Law. Standard procedures had been established, based on three steps: taking a "snapshot" of existing structures; establishing the legal, budgetary, labour and material scope of the activities to be transferred; and costing the transfer of powers. Details were given in the case of broadcasting. The French High Commissioner would lead a working group on the state of progress of those transfers.

3. The Committee welcomed the commitment by the State to provide full funding for the construction of secondary schools in Mont-Dore and Pouembout, with a view to their opening by the start of the 2016 school year.

The Committee took note of the announcement by the Prime Minister that a mission from the prisons administration would visit the North Province beginning on 6 December. The Committee expressed the hope that prevention and reintegration policies agreed upon by the State and the local authorities of New Caledonia would be implemented.

II. Amendments to the Organic Law

Following the meeting of the joint commission on 9 October, the Government submitted to the Committee a draft organic law updating the Organic Law of 19 March 1999, as well as a draft law containing various provisions related to the overseas territories, including several measures concerning New Caledonia.

Particular emphasis was placed on New Caledonia's recently acquired authority to create independent administrative authorities with full powers in its areas of competence, in particular in the area of competition, as well as the devolution of special administrative policing powers to the President of the Government.

The Committee noted with satisfaction that, in addition to the requests formulated at the previous meeting of the Committee of Signatories, the Parliament had adopted several provisions that had been anticipated by the local population, including a "price/quality shield" in the banking sector and the compensation of victims with customary status. The Committee requested the Government to issue, as soon as possible, an order to extend and appropriately modify Book IV of the Commercial Code in order to ensure, with respect to those matters within the jurisdiction of the State, that the future local competition authority would have all powers necessary for its operation.

III. Progress in the three local steering committees

Steering Committee to assess progress under the Nouméa Accord: Following the tenth meeting of the Committee of Signatories, the locally established working group had taken up the issue of fiscal revenue-sharing, among other matters. The work carried out, which had concluded in September, had resulted in progress with regard to the financing of certain areas under New Caledonian authority (housing assistance, job placement, disability, medical check-ups) and the floor percentage for fiscal revenue-sharing with the provinces.

The Committee welcomed the work of the working group and called for its continuation. The format of the working group appeared particularly well suited for addressing all the problems faced by both the provinces and New Caledonia as a whole.

Steering committee on the institutional future: The mission responsible for considering the institutional future of New Caledonia introduced a discussion paper based on the work it had done for the steering committee. In particular, it presented four possible institutional options to give effect to the Nouméa Accord.

The mission presented the general considerations that had guided the preparation of the discussion paper.

The Committee took note of the presentation and agreed that the discussion paper could be used as a basis for work and debate with a view to the preparations for the referendum prescribed by the Nouméa Accord. In that respect, the Committee felt that the discussion paper should be widely disseminated.

The participants discussed the conditions under which preparations would be made for the referendum after the provincial elections in 2014. The State confirmed its willingness to assist the partners in their deliberations if they so requested.

Industrial strategic committee and the nickel industry: The Committee of Signatories took note of the status of the discussions on nickel markets and activities undertaken within the framework of the Conference of Presidents.

In particular, the Committee reiterated the need to build a coherent, long-term industrial strategic framework, implemented by all stakeholders, in order to ensure

the sustainable future development of mining and metallurgical activities and to maximize their socioeconomic benefits.

To that end, the Committee requested the Conference of Presidents to consider proposals for optimizing the use of that resource.

IV. Assessment of progress on identifying signs

The Committee noted with satisfaction the work accomplished since the last meeting of the Committee by the special congressional commission responsible for adopting a flag expressing both the Kanak identity and the future to be shared by all.

V. Training

The Government reported to the Committee on the work carried out since the last meeting of the Committee of Signatories in response to the Committee's request for the establishment of structured mechanisms for the advancement of New Caledonians in the civil service, particularly the sovereign civil service.

1. The Minister for Overseas Territories stated that a proposal would soon be made to New Caledonia to conclude a framework agreement establishing modalities for temporary secondments of local civil servants to the State administration, in New Caledonia and in the central administration. However, he drew attention to the need for New Caledonia to clarify its needs so that, on the basis of that framework agreement, career paths tailored to individuals could be established.

2. The Committee welcomed the action plan prepared by the Directorate-General of the National Gendarmerie, and the four actions on which it was based: increasing local recruitment through the establishment of a training school in the Territory, enhancing internal promotion by doubling the number of volunteer deputy police officers in the honours course, improving guarantees with respect to the return of New Caledonians deployed to France, and improving the identification of New Caledonian candidates with strong potential to become police officers.

3. With regard to private-sector executives, the Minister for Overseas Territories stated that his Ministry would co-finance scholarships for business degree programmes, within the framework of agreements between the State, New Caledonia and the provinces. In that connection, he announced that the Ministry for Overseas Territories was prepared to release €800,000 per year for 10 scholarship recipients, or €80,000 per student (9.6 million CFP francs), with local governments in New Caledonia supplying the remainder.

4. The New Caledonian partners called for the establishment of a polytechnic institute for industry and services.

The Committee agreed to hold its next meeting during the second half of 2014.